

REMARKS

This is intended as a full and complete response to the Office Action dated March 25, 2004, having a shortened statutory period for response set to expire on June 25, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Abstract

The Examiner states that the application does not contain an abstract of the disclosure as required by 37 C.F.R. § 1.72(b).

In order to further prosecution, the abstract from the PCT application that the present U.S. application originated has been supplied herewith on a separate sheet.

Specification

The Examiner states that the substitute specification filed on 15 August 2003 has not been entered.

Applicant amended the specification herein in compliance with current procedure. Therefore, no substitute specification is being submitted. Applicant submits that the amendments eliminate some inadvertent typographical and spelling errors in the application, and no new matter has been added.

Claim Rejections- 35 U.S.C. § 112

Claims 1-13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In response, Applicant canceled claims 1-13 and added new claims 14-26, which have been written to conform with current U.S. practice. Thus, Applicant requests withdrawal of the rejection and allowance of the claims.

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Claim Rejections- 35 U.S.C. § 102

Claims 1-13 stand rejected under 35 U.S.C. § 102 as being anticipated by *Kersey et al.* (U.S. Patent No. 5,104,222).

Claim 14 recites the limitation of "altering a polarization state of the input signal to switch between a first state of polarization (SOP0A) during a first portion of a polarization switching period and a second state of polarization (SOP0B) during a second portion of the polarization switching period, wherein the polarization state is altered with a modulation frequency that is a multiple of $1/(4\tau)$." Similarly, claim 21 recites the limitation of "a polarization modulator that switches a polarization state between a first state of polarization (SOP0A) during a first portion of a polarization switching period and a second state of polarization (SOP0B) during a second portion of the polarization switching period, wherein the polarization state is altered with a modulation frequency that is a multiple of $1/(4\tau)$." However, *Kersey et al.* teaches a polarization scrambler that scrambles the polarization state of a laser at a frequency to *effectively produce depolarized light* and not light having two distinct states of polarization (see col. 5, lines 52-55). Therefore, *Kersey et al.* fails to teach, show, or suggest each and every limitation of claims 14 and 21, and this failure precludes *Kersey et al.* from anticipating these claims and claims 15-20 and 22-26 dependent thereon. Accordingly, Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

The references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



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